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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,428	02/11/2004	Troy Davis Bryan	20712-0074	2893
26587	7590	12/09/2005	EXAMINER	
MCNEES, WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166			WOLFE, DEBRA M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,428

Applicant(s)

BRYAN, TROY DAVIS

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 10, 11, 14, 15 and 17-24 is/are allowed.
- 6) ☒ Claim(s) 9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 1 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed September 21, 2004 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

1. The disclosure is objected to because of the following informalities:

1. It is suggested to change "my" to "by" on page 18, line 11 of paragraph [0040]

Appropriate correction is required.

2. Claim 1 and 16 are objected to because of the following informalities:

1. It is suggested to remove the "a" in line 15 of claim 1, and;
2. To change the "or" to "of" in claim 16

Appropriate correction is required.



***Claim Rejections - 35 USC § 112***

1. Claims 9, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 9 recites the limitation "the shaft threads" in line 12. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 12 is improper because it is dependent upon itself and claim 13 is indefinite as being dependent upon an improper claim. With regards to claim 13 it is unclear how the hydraulic fluid is water when this claim is dependent from claim 12, which states the hydraulic fluid is hydraulic oil.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "a first connection tube of preselected length having a first end and a second end with a means for locating the first connector tube relative to a datum mounted to the first end, and means for attachment at the second end for removably attaching the first connection tube further including an axially extending aperture in fluid communication with the bladder assembly" or "a first connection tube of preselected length having a first end and a second end, with a hard stop mounted to the first end to control the length of the first connection tube from a preselected reference surface and means for attaching at the second end for removably attaching the connection tube to one of the members of the probe assembly, the



connection tube further including an axially extending aperture" in combination with the rest of the claimed limitations set forth in the independent claim.

Further searching by the examiner yielded additional prior art as follows:

2. Schafer (U.S. Patent # 5,791,046) discloses a method of sleeving damaged heat exchanger tubes using a hydraulic sleeve expander (10) having plastic bladders (50) with first and second ends that are in fluid communication with one another through a conduit (32), a hard stop (66) attached to the hydraulic sleeve expander (10), a connector tube (16) attaching the lower (14) and upper assembly (12) of the hydraulic sleeve expander (10) and a terminal cap (60) attached to the end of the upper assembly (12). Keating et al (U.S. Patent # 5,752,317) discloses a method of restricting transverse displacement of a nuclear heat exchanger tube support plate using an apparatus having a mandrel (140) with an expandable bladder (150), a channel (193) connected to a flexible conduit (160) for supplying fluid to the bladder (150). The mandrel has threaded first and second ends with the second end having a cap for sealing the fluid. Keating et al also discloses the use of multiple bladders (See FIG 7). Finch (U.S. Patent # 4,513,497) discloses a tube expanding system having a bladder (10) with a first bore (18) connecting the first and second end of the bladder for supplying the fluid to the bladder. It is also disclosed by Finch that each bladder assembly is connected, through threaded ends, to a nylon tube (17) and an accept plug (15) and the process of expanding the bladder is controlled through a computer system (See FIG 2).

3. Although each of the above cited prior art discloses an inventive feature of the present invention there is no suggestion to combine each reference therefore, it is concluded that



independent claims 1, 9, 14 and 24 of the present invention are allowable subject matter over the prior art.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. U.S. Patent # 5,606,792 to Schafer discloses a hydraulic expander assembly and control system for sleeving heat exchanger tubes.
2. U.S. Patent # 4,889,679 to Snyder et al teaches the use of an eddy current probe apparatus having an expandable sleeve to close gaps through the expansion of a tube between the tube and a tube sheet or support plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Fridays 6am - 2:30 pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe  
Examiner  
Art Unit 3725

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700